

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification, including the title.
2. Amend claims 1-6 without prejudice or disclaimer.
3. Add new claims 7-13.
4. Apprise the Examiner of the electronic submission of a replacement page for Fig. 3.
5. Respectfully traverse all objections and rejections.
6. Request acknowledgement of receipt of Applicants' priority document.
7. Request consideration of the Request for Acknowledgement of Consideration of Disclosed Information filed concurrently herewith.
8. Request consideration of the IDS submission of December 5, 2007.

B. DRAWING CHANGES

Electronically submitted on even date herewith is a replacement sheet of drawings for Fig. 3. The newly submitted sheet replaces the original sheet including Fig. 3. In original Fig. 3, reference numerals 23A and 26A were inadvertently transposed. In the replacement sheet, reference numerals 23A and 26A correctly identify their respective features in Fig. 3.

C. PATENTABILITY OF THE CLAIMS

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tanaka et al. (U.S. Patent No. 3,981,575 (“Tanaka”)). All prior art rejections are respectfully traversed for at least the following reasons. Without acquiescing in the rejections, claims 1-6 have been amended, and new claims 7-13 have been added. The following discussion is directed to the claims in their current form.

With respect to claim 1, the rejection identifies photoreceptor surface 5 of Tanaka as a “transporter for transporting the original in a sub scanning direction.” Office Action at 3. However, Applicants respectfully submit that it appears that photoreceptor surface 5 does not transport the original, but instead transports the copy generated from the original.

In addition, the rejection identifies tip 8'b of top wall 8b in Tanaka as reading on the “guide member ... provided with a light-blocking portion with its upper surface positioned above an extended plane of a reading surface of the optical reader.” Office Action at 3. However, Applicants respectfully submit that top wall 8b (or tip 8'b) does not appear to be a guide member for guiding the original. Rather, transparent support structure 4 positioned above top wall 8b (or tip 8'b) appears to define the surface on which the original to be copied is placed (see col. 5, lines 2 – 5).

Furthermore, Applicants respectfully submit that the upper surface of tip 8'b may be no more than coplanar with (or possibly even below) – as opposed to positioned above

– an extended plane of a reading surface of image transmitter 1. *See, e.g.*, Tanaka at Fig. 4.

With respect to claim 3, the rejection considers Tanaka to disclose upper guide surfaces respectively facing the light-blocking portion and the slant surface at a predetermined distance. Office Action at 4. However, Applicants respectfully submit that even if light guide duct 8 is considered a guide member, no upper surface of light guide duct 8 appears to face tip 8'b. *See, e.g.*, Tanaka at Fig. 4.

Further, with respect to claims 4-6, the rejection considers the machine housing of Tanaka to be the claimed “cover surface provided around the transporter in such a manner as to face the transporter at a predetermined distance.” Office Action at 4. However, Applicants respectfully submit that the original in Tanaka is transported by transparent support structure 4, which appears to be disposed *outside* of what the rejection appears to consider the machine housing. *See, e.g.*, Tanaka at Fig. 2. Thus, Applicants respectfully submit that the machine housing does not appear to constitute a “cover surface provided around the transporter in such a manner as to face the transporter at a predetermined distance.”

New claims 7-9 depend from, either directly or indirectly from claim 1 and therefore are patentable for at least the same reasons as claim 1.

New claims 10-13 recite an image reading device having a reading surface and an original transport path that are both inclined toward the sub scanning direction.

Accordingly, reconsideration and withdrawal of the rejections and objections are respectfully requested.

**D. REQUEST FOR ACKNOWLEDGEMENT OF
CONSIDERATION OF DISCLOSED INFORMATION
AND INFORMATION DISCLOSURE STATEMENT (IDS)**

The Examiner's attention is directed to the Request for Acknowledgement of Consideration of Previously Disclosed Information (filed electronically today) which again requests that U.S. Patent No. 5,548,411 to Sato (previously overlooked in the Information Disclosure Statement submitted on December 18, 2003) be indicated as considered and made of record.

The Examiner's attention is also directed to the Information Disclosure Statement filed on December 5, 2007.

E. REQUEST FOR ACKNOWLEDGEMENT OF PRIORITY DOCUMENT

The US Patent Office has acknowledged Applicants' priority claim, but has not yet acknowledged receipt of Applicants' priority document submitted on September 11, 2003. Acknowledgement of receipt of Applicants' priority document is respectfully requested.

F. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: /H. Warren Burnam, Jr./
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:ewm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100